

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

KIMBERLY JOAN ELLIS, et al.,

Plaintiffs,

v.

ETHICON, INC., *et al.*,

Defendants.

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No. 2:20-CV-223-JRG-HBG

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is the Defendants' Motion to Exclude the Opinion of Pathologist Elizabeth A. Laposata, M.D. [Doc. 42], and Motion to Limit or Exclude Case-Specific Testimony and Opinions of Bruce Rosenzweig, M.D. [Doc. 44]

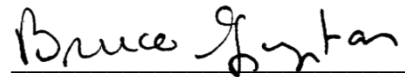
On November 24, 2020, the District Court entered an Order denying all pending dispositive motions with leave to refile. [Doc. 80] In doing so, the Court made note of the voluminous record generated by Multidistrict Litigation 2327 ("MDL"), of the fact that many claims and issues in this and other cases involved in the MDL were resolved before being transferred to this Court, and found that the Court's limited resources would be better served by having the parties highlight the issues remaining to be resolved. *Id.*

For those same reasons, the Court finds that, given the uncertainty as to what issues remain to be resolved in the instant case, and given that some challenges to various expert witnesses may have been resolved during the MDL, or may no longer be relevant in light of the dismissal of certain claims, the Court hereby **DENIES WITHOUT PREJUDICE** the above referenced

motions. [Docs. 42, 44] The parties are **ORDERED** to meet and confer on or before **December 18, 2020**, to discuss whether the above referenced motions remains at issue, or can otherwise be resolved by the parties. For any motions which remain at issue, the parties **SHALL** have until and including **January 4, 2021**, to refile their motions. The parties **SHALL** follow the briefing schedule in Local Rule 7.1 for the deadlines for filing responses and replies. Any motions, responses, or replies thus filed **SHALL** include as attachments any evidence relied upon from the MDL record. In addition, to the extent that any related rulings were made during the MDL as to an expert witness at issue in this litigation, or addressed similar issues to those raised in the motion, the moving party **SHALL** attach such rulings to their motion, and shall address what effect said ruling should have on the instant motion.

IT IS SO ORDERED.

ENTER:

A handwritten signature in black ink, appearing to read "Bruce Guyton", written over a horizontal line.

H. Bruce Guyton
United States Magistrate Judge